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10/015,264	12/12/2001	Michael Wayne Brown	AUS920010826US1	1742

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Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/12/01*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2.   Claims 1-3, 12-14, 23-25 are rejected under 35 U.S.C. 102(a) as being

anticipated by Walker et al. (US 6,178,240).

As for claims 1 and 3, Walker et al. discloses a system and method that provides

a caller accessing a call center and premium web sites can be accessed from a

conventional telephone (i.e. a method fro promoting voice browsing)(*See Description,*

Col. 6, lines 29-32); the caller in a queue of a call center is presented with a list or menu

of available web sites, as previously stated, the textual portions of a premium web site

may be converted to speech for presentation to the caller (i.e. selecting at least one web

page from among a plurality of accessible web pages for voice browsing by a particular

caller waiting in a hold queue)(*See Abstract, lines 1-3 and Description, Col. 6, lines 12-*

32); access to the entertainment options or web pages can be provided to the caller in a

complimentary basis, thus the caller may voice browse the chosen web site as part of a

complimentary service offered during his or her call to the call center. (i.e. offering said

particular caller an incentive for voice browsing said at least one web page and

responsive to a selection by said caller to voice browse said at least one web page,

providing said incentive for said particular caller for redemption during said call)(See

Description, Col. 4, lines 26-28).

As for claim 2, Walker et al. discloses that if the caller accesses the call center

from a conventional telephone, the textual portions of a premium web site may be

converted to speech for presentation to the caller. (i.e. responsive to the selection by

said caller to voice browse said at least one web page, translating a web script for at

least one web page into audio output to said particular caller)(See Description, Col. 6,

lines 28-32).

Claims 12-14 and 23-25 are rejected for the same reasons as claims 1-3.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

4.   Claims 4, 6-8, 10-11,15, 17-19, 21-22, 26-29 and 50-54 are rejected under 35

U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240).

As for claims 50 and 52, Walker et al. discloses a customer account database

that maintains a plurality of records, each associated with a different customer, the

customer account database includes the customer's address and telephone number

(i.e. receiving a call for a caller with an authenticated identity at a hold queue, as read

on having a customer's account database including a telephone number)(See

Description, Col. 7, line 66- Col. 8, line 4); the customer data indicates any purchases or

reservations made by the customer, relevant customer history or other information that

may be required by the call center (i.e. accessing a caller profile stored in association

with said authenticated identity)(See Description, Col. 8, lines 4-9).

Further, Walker discloses that the caller in a queue of a call center is presented

with a list or menu of available web sites, as previously stated, the textual portions of a

premium web site may be converted to speech for presentation to the caller (i.e.

selecting at least one web page from among a plurality of accessible web pages for

voice browsing by a particular caller waiting in a hold queue)(See Abstract, lines 1-3

and Description, Col. 6, lines 12-32).

While not discussed as part of this feature, the limitations stating that said caller

profile indicates at least one web page visited by said caller and that the selected web

page will be other than said at least one web page visited by said call; Walker et al.

does teach a method and system for storing a record for a different entertainment

service associated with the telephone number of the customer (See Description, Col. 9,

lines 25-40). As seen on Fig. 7, a specific address is shown on 'content provider 745'

column.

Therefore, it would have been obvious to one of ordinary skill to modify Walker's

et al. system in view of their own teachings by adding a record of visited web sites on

the caller's profile and thus in this manner record the appropriate information which may

be required to verify any contested charges.

Regarding the limitation stating that the selected web page will be other than said

at least one web page visited by said call, this can be done manually by a caller

choosing a web site different than a previously visited web site.

Claim 52 and 54 are rejected for the same reasons as claim 50.

As for claims 10-11, 21-22, 51 and 53, the limitations of wherein said at least one

web page is provided to advertise a product to said particular caller, wherein said at

least one page provided to advertise a product is received from a third party vendor,

and offering said caller an incentive to browse at least one web page similar to said at

least one web page visited by said caller but offered by an alternate vendor, reads for

example on the use of 'cookies'. It is well known in the art, that a 'cookie' may be used

to help understand the users preferences while using a website and later provide them

with advertisemen based on such preferences. This information could therefore be

used at a later time to provide that user with a more content relevant site based on that users past interest. As per the 'offering an incentive' limitation, this was previously discussed as disclosed by Walker et al.

Claims 4, 15 and 26 read, for example, on a flag on the customer profile indicating the denial of complimentary paid entertainment options to fraudulent customers. It would have obvious to one of ordinary skill that returning preferred customers will be offered complimentary paid entertainment services (i.e. <u>voice web browsing</u>) on subsequent calls to the call center, their good standing is reflected on the caller profile (i.e<u>. responsive to voice browsing of said at least one web page, providing said incentive for said particular caller for storage in a caller profile associated with said particular caller, wherein said particular caller is enabled to redeem said incentive from said caller profile in a future transaction</u>)(*See Description, Col. 10, lines 3-14*).

Claims 6, 17 and 27 are rejected for the same reasons as claim 50.

Claims 7-8, 18-19 and 28-29 are rejected for the same reasons as claims 50 and 51.

5.   Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240) in view of Walker et al. (WO 98/35507).

Walker et al. ('240) discloses the system as claimed, except for said incentive comprises at least one from among an on hold advancement token, membership points, an electronic discount, and a cash value.

Walker et al. ('507) teaches a system that allows a caller to exercise control over their rank within a phone queue (See Summary, Page 3, lines 33-35) and an IVRU is employed to offer a caller a chance to move in the queue in return for a payment or on hold advancement token (See Summary, Page 3, lines 38-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Walker's et al. ('240) system, by allowing a caller to exercise control over their rank within a phone queue in return for a payment, as taught by Walker et al.; and thus in this manner avoid the caller the frustration of an excessive long wait.

6.   Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240) in view of Uppaluru (US 5,915,001).

Walker et al. discloses the system as claimed except for the limitation <u>wherein at least one web page is provided to aid said particular caller in solving a question that is the basis of said call</u>.

Uppaluru teaches a subscriber (i.e. <u>caller</u>) accessing voice web attributes based on the subscriber desire to, for example, querying a stock portfolio service page, the agent automatically fills in the subscriber appropriate attributes based on the query (*See Description, Col. 19, lines 5-23*).

It would have been obvious to one ordinary skill to modify Walker's et al. system by adding allowing the caller to voice browse information based on his or her query, as

taught by Uppaluru; and thus in this manner allow the customer to get information

relevant to his/her needs and interests.

7.   Claims 30-31, 34-36, 37-38, 41-43, 44-45 and 48-49 are rejected under 35

U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240) in view of Saylor

et al. (US 6,263,051)

As for claims 30, 31 and 34, Walker et al. discloses a customer account

database that maintains a plurality of records, each associated with a different

customer, the customer account database includes the customer's address and

telephone number (i.e. receiving a call for a caller with an authenticated identity at a

hold queue, as read on having a customer's account database including a telephone

number)(See Description, Col. 7, line 66- Col. 8, line 4); the customer data indicates any

purchases or reservations made by the customer, relevant customer history or other

information that may be required by the call center (i.e. accessing a caller profile stored

in association with said authenticated identity)(See Description, Col. 8, lines 4-9).

As previously stated, Walker et al. disclose that the caller may voice browse the

Web.

However, Walker et al. lacks the limitation specifying a voice XML script

according to said caller profile, such that voice browsing while waiting in said hold

queue is specified by said caller.

Saylor et al. teaches "…a voice service is constructed using service wizard. A voice service is constructed using several basic building blocks, or elements, to organize the content and structure of a call. According to one embodiment, the building blocks of a voice service comprise elements of a markup language. According to one particular embodiment, elements of a novel markup language based on XML (TML) are used to construct voice services. Before explaining how a telecast is constructed, it will be helpful to define these elements. The DIALOG element is used to define a unit of interaction between the user and the system and it typically contains one or more of the other elements. A DIALOG cannot be contained in another element. The SPEECH element is used to define text to be read to a user." (*See Detailed Description, Col. 10, lines 31-45*).

Saylor et al. further teaches "Systems do exist that enable distribution of information by voice using a telephone. These systems however, require a company to maintain expensive telephony hardware and software and telephone lines. The up front costs for this equipment can be more expensive than some companies may want to incur." (*See Background of the Invention, Col. 1, lines 32-37*).

As taught by Saylor et al. it can be seen that XML language takes a Web pages (See Fig. 4, e-commerce applications) and transform these pages into text (i.e. web scripts) that can be to a user (i.e. caller). A system based on XML mark up language may be controlled by the interaction of a caller with the voice menu for web browsing.

It would have been obvious to one of ordinary skill at the time at the time the invention was made to modify Walker's et al. system with the teaching of Saylor et al.

and in this manner provide a system that will not require a company to maintain

expensive telephony hardware and software and telephone lines.

Claims 37-38, 41, 44-45 and 48 are rejected for the same reasons as claim 30-

31 and 34.

As for claims 35 and 42, Walker et al. disclose a caller in a queue of a call center

is presented with a list or menu of available web sites, as previously stated, the textual

portions of a premium web site may be converted to speech for presentation to the

caller (i.e. selecting at least one web page from among a plurality of accessible web

pages for said caller to voice browse)(See Abstract, lines 1-3 and Description, Col. 6,

lines 12-32); access to the entertainment options or web pages can be provided to the

caller in a complimentary basis, thus the caller may voice browse the chosen web site

as part of a complimentary service offered during his or her call to the call center. (i.e.

offering an incentive for said caller to voice browsing said at least one web page)(See

Description, Col. 4, lines 26-28).

As for claims 36, 43 and 49, the same rationale used to reject claims 50 and 52

applies.

8.   Claims 32, 39 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Walker et al. (US 6,178,240) in view of Saylor et al. (US 6,263,051), as applied to

claims 30-31, 34-36, 37-38, 41-43, 44-45 and 48-49 above, and further in view of

Walker et al. (US 5,978,467)

The combination of Walker et al. ('240) and Saylor et al. teach the system as

claimed except for <u>authenticating said identity of said caller at a switching network</u>

<u>transferring said call to said hold queue</u>.

Walker et al. ('467) teaches "Initially, a caller places a call to a customer service

provider (box 100). The incoming caller's telephone number is detected by an

automatic number identification (ANI) facility. In response to voice prompts from IVRU

14, and in conjunction with control commands from ACD 12, PBX 10 then inputs

information regarding the call to ACD 12 (box 102). One such piece of information may

be the subject matter of the call. For instance, IVRU 14 may provide a series of

subjects to the caller, and ask the caller to respond by depressing a specified key to

identify a particular subject (e.g. "press 1 for printer problems, press 2 for modem

problems"). Once the call information has been entered by ACD 12 into call database

36, the system determines whether an appropriate agent is available (decision box

104). If so, the call is routed to the agent's phone and the information associated with

the call is transmitted to the agent's terminal (box 106) [...]." (*See Detailed Description,*

Col. 6, line 48-Col 6, line 4).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Walker et al. ('240) system by adding the step of

detecting the incoming call by an automatic number identification (ANI) facility (i.e.

<u>authenticating said identity of said caller at a switching network transferring said call to</u>

said hold queue) as taught by Walker et al. ('467); and thus in this manner allow the

system to start a caller profile based on the caller's telephone number.

9.   Claims 33, 40 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Walker et al. (US 6,178,240) in view of Saylor et al. (US 6,263,051), as applied to

claims 30-31, 34-36, 37-38, 41-43, 44-45 and 48-49 above, and further in view of Eitel

et al. (US 5,933,828).

The combination of Walker et al. ('240) and Saylor et al. teach the system as

claimed except for accesing said caller profile from a caller profile server accessible to a

plurality of call centers via said network.

Eitel et al. teaches a method for monitoring on hold characteristics, comprising,

receiving monitored on hold characteristics according to a caller identifier (or *DNIS or

ANI*) from at least one call center (or *ACD*) at said caller which has was waited in a hold

queue of a call center communicatively connected to a caller profile server (*See

Detailed Description, Col. 3, lines 48-54 and 61-65*) and that this method can be applied

among a plurality of call center (or ACDs) (*See Detailed Description, Col. 3, lines 19-

24*).

It would have been obvious to one of ordinary skill in the art to modify the

invention to work with a plurality of call centers, as taught by Eitel et al., and thus

allowed the call to be handled more efficiently in case of a heavy call work load.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Faber et al. (US 6,519,570) teaches a system and method for conducting a time

auction.

Uppaluru et al.(US 6,324,276) teaches a point-of-presence call center

management system.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-

0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles
May 24, 2004.

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